

HJ

Appl. No. : 10/522,347  
Confirmation No. : 6321  
Applicant : Leonard E. Speers, et al.  
  
Filed : January 24, 2005  
Title : CONVEYOR WITH COGGED  
BELT AND ROLLER  
SUPPORT RAIL  
  
TC/A.U. : Unknown  
Examiner : Unknown  
  
Docket No. : 016276-9079

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the US Postal Service "Express Mail Post Office to Addressee" service under CFR 1.10, express mailing label no. ED367361830US on the date of my signature and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Diane L. Stant*  
Signature  
02/13/06  
Date of Signature

RECEIVED

11 APR 2006

Legal Staff  
International Division

**PETITION FOR FILING WHEN AN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED UNDER 37 C.F.R. §1.47(a)**

Sir:

Applicants Leonard E. Speers, Larry Sliker and Ben J. Huisman, along with the Assignee-in-interest, Blaw-Knox Construction Equipment Corporation ("Blaw-Knox"), hereby petition the Commissioner to accept the filing of the above-identified U.S. Patent Application by other than all of the inventors.

Applicants have attached the Declaration of Mark A. Ussai that provides proof of the pertinent facts concerning the refusal of the co-inventor, Mr. Sergio Olguin, to join in the present application for patent.

The full name and last known address of Mr. Sergio Olguin is as follows:

Mr. Sergio Olguin  
TDC# 1327313  
GURNEY Unit

6 Miles South of Tennessee Colony off of CFM 645  
Tennessee Colony, Texas 75861

04/14/2006 CSN000T 00000002 133080 10522347  
Sale Ref: 00000002 DAH: 133080 10522347  
01 FC:1463 200.00 DA

On information and belief, Blaw-Knox is entitled to clear title to the invention and to the above-identified patent application and any patent which issues thereon.

Mr. Olguin was employed by Blaw-Knox at the time the invention was conceived and reduced to practice. The contribution of Mr. Olguin to the invention was made during the course

of his employment at Blaw-Knox, and the express terms of his employment required him to assign any inventions made therein to Blaw-Knox.

Formal application papers, including the required declaration document, were sent to Mr. Olguin at his last known address and to his previously known address, as evidenced by the documents presented in Exhibits A-L. These documents also provide evidence of our attempts to have Mr. Olguin execute the declaration.

In view of the refusal of Mr. Olguin to execute the papers required for filing the present application, Leonard E. Speers, Larry Sliker and Ben J. Huisman, along with the Assignee-in-interest, Blaw-Knox Construction Equipment Corporation, are believed to be entitled to make such application on their behalf and on behalf of Mr. Olguin as his agent.

A check in the amount of \$130.00 is enclosed for payment of the required fee under 37 C.F.R. 1.17(h). The Commissioner is hereby authorized to charge or credit Deposit Account No. 13-3080 with any under or overpayment of fees associated with this Petition. A duplicate copy of this communication is enclosed.

Respectfully submitted,



Mark A. Ussai  
Reg. No. 42,195

Docket No.: 016276-9079  
Michael Best & Friedrich LLP  
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